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comes merely a question of how strictly it is desirable to construe the statute. As a matter of language, publication and attestation could be found in such a case without distorting the words of the statute. The decision would seem to be unduly strict. Cf. PAGE, WILLS, § 226.

BOOK REVIEWS

THE LIFE OF JOHN MARSHALL. By Albert J. Beveridge. Volumes I (Frontiersman, Soldier, Lawmaker) and II (Politician, Diplomatist, Statesman). Houghton Mifflin Company. 1916. \$8.00 net. pp. 506, 620.

This is the first installment of what promises to be the standard biography of John Marshall, and one of the best biographies of any American statesman. Senator Beveridge has undertaken a comprehensive task. These two goodly volumes are in a sense introductory; they cover only the preliminary activities of the great chief justice. Only at the end of volume two does the author induct his subject into the high office where he made his reputation.

It was well, in a definitive work, to give the full story of Marshall's life down to 1801; a life not only varied and interesting in itself, but necessary for a proper understanding of the judicial career. Furthermore, "in order to make clear the significance of Marshall's public activities, those episodes in American history into which his life was woven have been briefly stated." But, in addition, there is one chapter each on Community Isolation, Popular Antagonism to Government, the Struggle for the Ratification of 1788 (outside Virginia), and the Influence of the French Revolution in America. Sound and very readable chapters they are; one is glad they were written, but one remembers what became of Trevelyan's "Life of Charles James Fox." The story of Marshall's career as chief justice, covering thirty-five of the most pregnant years of our national development, the decisions alone touching nearly every aspect of it, offers innumerable and interesting byways to the historical explorer. Senator Beveridge must stick to the main road henceforth, if he wishes to attain Carlyle's "indispensable beauty in knowing how to get done."

No professional historian could surpass the thoroughness with which Senator Beveridge has treated Marshall's life to 1801. His task was unusually difficult, for there was no body of Marshall documents, published or unpublished, upon which to base the work. There was no short cut to it; the traces Marshall left behind him had to be sought out laboriously in the manuscript collection of the larger libraries, of private individuals, and in numerous Virginia attics. Almost every scrap of printed material on the federalist period has been carefully combed. The author has used every tool of the scientific method in history; and the result must be an agreeable surprise to his academic acquaintances, who for some years past have watched with interest and not a little amusement the senator's joyous gallop along the trail of the chief justice.

Unfortunately — and this is the one defect of the book — the author has adopted some of the vices of the doctoral dissertation, along with its virtues of thoroughness and impartiality. He has not resisted the temptation, so seductive to the Ph.D. aspirant, to make the footnotes an "omnium gatherum" for material accumulated at such trouble, that one cannot bring oneself to discard it; and there is too much piecing together of quotations. It has been done with great skill in the chapters on the Virginia Ratifying Convention, making the most dramatic and lively account of that body ever written. Elsewhere this method proves a poor substitute for a well-digested narrative in the author's own words. At times the pages are fairly spotty with quotes, leaders, italics, brackets, etc.:

"Here [Philadelphia]," wrote Jefferson, "*the unmonied farmer . . . his cattle & corps [sic] are no more thought of than if they did not feed us.* Script

& stock are food & raiment here. . . . The credit & fate of the nation," etc. (II, 85).

From Boston Jonathan Mason wrote Otis that "war for a time we must have and our fears . . . are that . . . you [Congress] will rise without a proper *climax*. . . . We pray" (II, 342).

Not only is this sort of thing very annoying to read, but it gives an impression of immaturity and cramming that does injustice to the book. For Senator Beveridge has acquired a firm grasp of America in her awkward age; he understands the underlying forces of the federalist era; he has an admirable sense of proportion. The narrative is full of life and movement; the characterizations are invariably felicitous — (Fisher Ames, "the bilious but keen-eyed watchman on the ramparts of New England Federalism") — and almost invariably just. Jefferson has received more fair and intelligent treatment than from any previous federalist biographer, although Marshall was Jefferson's enemy in a sense more complete than even Hamilton.

Members of the legal profession will value this book most of all for its convincing and lifelike description of the simple and thoroughly human person who became chief justice in 1801; and law students may note this analysis of Marshall by a contemporary: "His mind is not very richly stored with knowledge, but it is so creative, so well organized by nature, or disciplined by early education, and constant habits of systematic thinking, that he embraces every subject with the clearness and facility of one prepared by previous study to comprehend and explain it" (II, 178).

S. S. MORRISON.

MENTAL CONFLICTS AND MISCONDUCT. By William Healy, Director Psychopathic Institute, Juvenile Court, Chicago. Little, Brown and Company. 1917.

This book presents a detailed record of cases of juvenile delinquency and aims to throw light upon one type of causation of misconduct, namely, "uncontrolled anti-social motivation or impulse." The author finds revealed in these cases "potent subconscious mechanisms," and "types of hidden early experience which definitely evoke these mental processes that are the forerunners of misconduct." Further than this, he urges that mere pious admonition and punishment as effectual preventives should be discarded in favor of "inducing in the offender self-directed tendencies toward more desirable behavior."

The method of investigation was simply a "sympathetic and patient approach" to the source of the mental conflict, — a modified form of psychoanalysis as practiced on adults. In children the original experience is less remote, fresher in their minds, and less confused with a myriad of later impulses, as well as less disguised than in older persons; and the youthful misdoer is both more aware of his subconscious stimulations to misconduct and more ready to delve into his mind for the causes of his errors than is the adult. It is incumbent on the sympathetic and wise analyzer neither to be shocked by the revelations of the patient, nor to insist on getting information "when strong barriers to further progress are raised." He should not lay stress on the delinquency as such, nor evoke a feeling of shame, — two faults which Dr. Healy finds not infrequently in parents and preachers. The best results come from getting the offender to analyze himself, and to dig up the earliest knowledge of his offense with the fewest promptings possible. By all means one should never regard youthful delinquency as *ipso facto* producing more harm than might later eventuate, if an abnormal psyche were developed out of chronic repressions. While following Freud in general, the author found no value in evoking the Freudian sex-symbolism, nor in analyzing any dreams.

The mental characteristics of the delinquent show up a curious error on the part of many common judgments about him. The standard mental tests